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ENTERTAINMENT, INC. and Defendant
9 and Counter Claimant TICKETMASTER
LLC

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION JUDICIAL DISTRICT
13

14 Complete Entertainment Resources
15 LLC d/b/a Songkick,

16 Plaintiff,

17 v.

18 Live Nation Entertainment, Inc.;
Ticketmaster LLC,

19 Defendants.
20

21 Ticketmaster LLC,

22 Counter Claimant,

23 v.
24

25 Complete Entertainment Resources
LLC d/b/a Songkick,

26 Counter Defendant.
27
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CASE NO. 2:15-cv-09814 DSF (AGRx)

**DEFENDANTS' REPLY REGARDING
EX PARTE APPLICATION FOR
LEAVE TO FILE AN OVERSIZE
BRIEF IN SUPPORT OF
DEFENDANTS' PARTIAL MOTION
FOR SUMMARY JUDGMENT**

The Honorable Dale S. Fischer

Motion Cut-Off: May 29, 2017
Motion Hearing Cut-Off: August 7, 2017
Pre-Trial Conference: October 16, 2017
Trial Date: November 14, 2017

1 Defendants file this Reply regarding their Application for extra pages on
2 their forthcoming partial summary judgment brief to clarify two points:

3 First, Defendants intend to file two motions: one for partial summary
4 judgment on the bulk of Songkick's claims against Live Nation and Ticketmaster;
5 and a separate one for summary judgment on Ticketmaster's offensive claims
6 stated against Songkick in its counter-complaint. The brief on Songkick's claims
7 would, if the Court grants the relief sought here, be 50 pages rather than 25 pages.
8 The brief on Ticketmaster's counter-claims would be no more than 25 pages. That
9 is all that is happening here: two motions; two briefs; one hopefully longer than
10 normal for all the reasons articulated in the Application. To be clear, no part of the
11 extension that we are seeking depends on the idea that we should get 25 pages per
12 party; we do not know where Songkick is getting that idea. Songkick's Opposition
13 appears to be confused about this.

14 Second, Songkick's Opposition has either misrepresented to the Court what
15 antitrust claims Songkick is making, or announced for the first time that Songkick
16 is dropping fully one-third of those it was previously pursuing. Its First Amended
17 Complaint in this litigation, which is the operative pleading, says: "There are at
18 least three relevant product markets applicable to this dispute." *See* First Amended
19 Complaint ("FAC"), ECF No. 158 ¶ 60. The first two of these are what
20 Songkick's Opposition to this Application calls "*the two relevant markets at issue*
21 (respectively, artist presale ticketing services and venue ticketing services)." *See*
22 Opposition, ECF No. 205 at 3 (emphasis added). But the FAC focuses at length on
23 a third one as well: "the market for concert promotion services." FAC ¶ 64; *see*
24 *also id.* ¶¶ 65-67, 76-80, 208-210, 214-218. If Songkick is no longer pursuing
25 claims involving concert promotion, that is certainly welcome news (as they are
26 meritless and thus warrant summary judgment). But Songkick must not be allowed
27 to oppose this Application on the basis that there are only "two relevant markets at
28 issue" in this litigation, and then turn around and press claims that involve three.

1 Dated: April 27, 2017
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